IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.226 OF 2006

Shabirabi Abdul Bashir Kudle, .. Appellant.
Vs
1. Smt. Jannatbi Kasik Balge and ors Respondents

Mr. N.J.Patil, for the appellant.

CORAM : D.B.BHOSALE,J.

DATED : 06th JULY, 2007

P.C.:

1. This appeal is directed against concurrent findings recorded by the courts below by which a suit filed by the respondents-plaintiffs for recovery of half share in the compensation awarded by the Government to the earthquake affected people, has been decreed. The house of the plaintiffs and defendants had collapsed in the earthquake and it appears that they were entitled for compensation of about Rs.34,400/- out of which the plaintiffs' share being half in the said house, they prayed for recovery of the said amount. Mr Patil, learned counsel for the appellant, submitted that the plaintiffs are not at all entitled for any share in the compensation paid by the Government since they were not residing in the house at the relevant time. It appears that there was a suit filed by the plaintiffs bearing R.C.S.No.863 of 1992 in which the rights of the parties in respect of Gram

Panchayat House No.194 were the subject matter and that suit had been decreed holding that the plaintiffs are entitled for half share. In view thereof, the trial court has negatived the contention of the appellant-defendant no.1 that the plaintiffs had no right in the Gram Panchayat House No.194. Moreover, it appears that the defendant did not place anything on record to show that the defendant alone was residing in the house and that the persons who were residing in the house only are entitled for compensation. The courts below have considered all these submissions in proper perspective. I find sufficient material on record to sustain the findings of facts recorded by the courts below. No infirmity worth mentioning, is pointed out in the impugned judgment. No substantial question of law is either raised or involved in the present appeal. In the circumstances, this appeal is dismissed.

(D.B.BHOSALE,J.)